

**MINUTES**  
**UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**UTAH WATER QUALITY BOARD MEETING**

DEQ Building #2  
168 North 1950 West - Room 101  
Salt Lake City, Utah 84114

**January 18, 2002**

9:30 a.m.

**UTAH WATER QUALITY BOARD MEMBERS PRESENT**

John Cushing  
J. Ann Wechsler  
Robert G. Adams  
Bill Williams  
Neil Kochenour

Ray Child  
Dianne Nielson  
Ron Sims  
Nan Bunker

**DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT**

Don Ostler, Faye Bell, Walter Baker, Jay Pitkin, Dennis Frederick, Mike Herkimer, JD McDonald, Mark Novak, Karin Tatum, Candace Cady, Nancy Hess, Mike Hanson, Paul Krauth, Kiran Bhayani, Fred Pehrson

**OTHERS PRESENT**

<u>Name</u>	<u>Organization Representing</u>
Fred Nelson	Attorney General's Office
Alden Robinson	Sunrise Engineering, Inc.
Doug Nielsen	Sunrise Engineering, Inc.
L. Scott Rogers	Aqua Engineering/Oakley, Morgan, Payson
Doug Evans	Oakley City
Rich Nickleson	Plain City Resident

Co-Chairman Williams called the Board meeting to order at 9:35 a.m. He welcomed those in attendance and invited the members of the audience to introduce themselves.

**APPROVAL OF MINUTES OF THE NOVEMBER 30, 2001 MEETING**

Ms. Wechsler noted one correction in the minutes on page 1.2, under the paragraph concerning Electric Lake, 11<sup>th</sup> line down the sentence should read "assure protection of Huntington Creek, a blue ribbon trout fishery".

**Action Taken: It was moved by Ms. Wechsler, seconded by Ms. Bunker and unanimously carried to approve the minutes of the November 30, 2001 meeting with the noted correction.**

**Wastewater Operators Certification**

**Appointment of Members to the Wastewater Operators Certification Council:** Mr. Baker referred to Board to pg 2.1. Terms have expired for two member of the council, Jim Callison representing vocational training and Brett Borup representing a civil or environmental engineering faculty member of a university in Utah. Recommendations to fill these two vacancies were solicited from various water organizations within the state. Upon consideration of the recommendations of their peers, Mr. Baker recommended that Jim Callison be re-appointed as the representative for vocational training to serve a second three-year term and that Robert Okey fill the vacancy of a civil or environmental engineer faculty member of a Utah university.

**Action Taken:**            **It was moved by Mayor Cushing and seconded by Mr. Adams and unanimously carried to approve Robert Okey and Jim Callison to serve for three-year terms on the Operator Certification Council.**

### **ENFORCEMENT UPDATES**

**Circle Four** - Ms. Cady presented a proposed settlement agreement between Circle Four Farms and the Utah Water Quality Board, concerning violations of Ground Water Discharge Permits UGW010002 (Farm Site 41304), UGW210005 (Farm Site 42100) and for the March 28, 2001 spill at Farm Site 41101. The settlement agreement includes provisions that will insure that the orders included with the Notice of Violation (NOV) will be fulfilled. The NOV includes a civil penalty of \$37,964 which will be assessed as shown beginning on pg. 3 of the Combined Settlement Agreement.

**Payson City** - Ms. Tatum reviewed the proposed settlement agreement concerning discharges from the Payson City municipal wastewater treatment facility. Payson agrees to pay \$4,223 within 30 days to the State of Utah and fund a mitigation project as described in the settlement agreement in the total amount of at least \$11,460. Payson has also implemented an industrial pre-treatment program that will help guard against similar violations occurring in the future.

### **ALTERNATIVE BOD & TSS LIMITS:**

**Plain City (ACTION ITEM)** - Mr. Herkimer referred the Board to pg. 3.1. Plain City is applying for a higher BOD<sub>5</sub> and TSS permit limit. The City has an inability to consistently meet the normal secondary treatment standards due to algae production and turnover in spring and fall. The City is required to meet the five basic criteria listed in rule (on pg 3.1) to qualify for alternative BOD and TSS limits from their lagoons. Staff have evaluated this application against the above listed criteria and found that the facility is in compliance with them. Therefore, staff is recommending that the Board approve issuing the higher BOD<sub>5</sub> and TSS permit limits in accordance R317-1-3.

**Action Taken:**            **It was moved by Mr. Adams and seconded by Ms. Bunker and unanimously carried to approve Plain City's request.**

**Morgan City (ACTION ITEM)** - Mr. Herkimer introduced Scott Rogers from Aqua Engineering. Like Plain City, Morgan City is applying for a higher BOD<sub>5</sub> and TSS permit limit. (See p 3.6) The City has an inability to consistently meet the normal secondary treatment standards for their lagoons due to algae production and turnover in spring and fall. The City is required to meet the five basic criteria listed in rule (on pg. 3.1). Staff have evaluated this application against the above listed criteria and found that the facility is in compliance with them. Therefore, it is recommended that the Board approve issuing the higher BOD<sub>5</sub> and TSS permit limits in accordance with R317-1-3.

**Action Taken:** It was moved by Ms. Bunker and seconded by Dr. Kochenour and unanimously carried to approve Morgan City's request.

### **LOAN PROGRAM**

**Financial Assistance Status Report** - Ms. Hess distributed to the Board the "Summary of Assistance Program Funds" and updated them on the status.

**Oakley Town (1<sup>st</sup> Hearing)** - Oakley Town (1st Hearing) - Mr. McDonald introduced Doug Evans, Oakley's water treatment system manager and Scott Rogers of Aqua Engineering. Mr. McDonald explained that Oakley has a very small lagoon system that has reached its capacity. Approximately three years ago the town received CDBG funding to evaluate its system. The first phase of this effort was to investigate the collection system. CDBG approved funding to improve that system. The second phase of the evaluation was to investigate the treatment system. As a result the Town proposed to construct a new treatment facility employing the Zenon micro-filtration treatment process, as described on pg. 4.3. Oakley applied for and received additional CDBG funds for project planning and construction. The Town has increased its user fees and impact fees knowing that this project would be necessary and currently has \$750,000 set aside to apply to the financing of the project. Oakley Town is requesting a \$600,000 loan to assist with the design and construction of a \$1,684,000 project to construct a new 0.125 MGD wastewater treatment facility. Mr. Evans thanked the staff and explained the plan for the new facility, which was followed by discussion between various members of the Water Quality Board and Mr. Rogers (engineer) about the proposed design. Concerns were expressed about the use of a relatively high-tech process for such a small system and whether operation and maintenance costs would be as low as projected, since there are very few such plants currently operating. Mr. Evans said the town does not want to continue to operate a lagoon system. Also, they are desirous of producing a high quality effluent because the Weber River is a drinking water source and because they may want to reuse the effluent sometime in the future.

### **STAFF REPORTS**

**Western Zirconium** - Mr. Novak presented to the Board information on Western Zirconium, (a division of Westinghouse), which operates a plant in Weber County near the Great Salt Lake, that manufactures casings for nuclear fuel rods. There are several waste water streams from the plant which are contained in ponds built under three construction permits issued by the Bureau of Water Pollution Control in 1978, '81 and '83. According to the permits they had to have monitoring wells around the perimeter of the wastewater ponds. In 1995 some of the monitoring wells showed high levels of ammonia in the ground water. Investigations confirmed the findings and they were issued an NOV on June 16, 1999 for unlawful discharge of pollutants to waters of the state. These ponds are located in the salt flat areas and any releases into the ground water could potentially impact surface water in that area. The waste streams include radiologic, uranium and organic compounds which have resulted in the involvement of the Solid and Hazardous Waste and Radiation Control Divisions in regulating the site. A settlement agreement has been recently negotiated with Western Zirconium. The terms of the settlement include completing the investigations, determining the extent of the severity of the contamination and proposed corrective action according to the Division of Water Quality cleanup rules R317-6.15. This proposed settlement agreement is now out for public notice and comment.

**Progress on Implementation of Certification Requirements for Underground**

**Wastewater Disposal Systems** - Mr. Hanson gave the Board a summary of the certification program for onsite specialists. The program was first passed through 2001 Legislature under HB14. The rule was adopted in August 2001. R317-11 became effective January 1, 2002. Mr. Hanson distributed a flow chart and included in the packet additional information on the certification process.

**2001 Needs Survey** - Mr. Krauth explained that once every four years the Environmental Protection Agency (EPA) conducts the Clean Water Needs Survey (CWNS) as required by sections 205(a) and 516(b)(1) of the Clean Water Act (CWA). The collected data is used to produce a report to Congress to provide an estimate of water pollution control needs for the United States. The CWNS has served as a basis for Congressional allocation of funds for the Construction Grants program and for capitalization grants for the SRF program. Referring to the information included in the packet he explained the procedure for documentation of our current needs as well as future needs for Utah. The 20-year Wastewater need for Utah is \$850 million.

**Report to WQB on potential loss of funds to loan program due to sales tax changes:** Mr. Ostler said the legislature is considering utilizing the sales tax funding currently allocated to the State revolving loan program for other purposes. The WQ Board is receiving about \$4-4.8 million dollars per year, from this source. This amounts to approx 23% of our available wastewater loan fund on an annual basis. The loss of that money would also effect our Hardship Grant repayment stream by about \$190,000 per year and would have a significant impact on future projects. It will reduce the amount of pure state loan money available, which is the money we have more flexibility with. We have not as yet seen a bill, which would be needed to change the law.

**Report on Legislative and Budget Issues:** Dianne Nielson gave an update to the WQB about the budget cuts the Department is facing. The Appropriations Committee has proposed a \$364,000 general fund cut, which will affect the budget for the remainder of this fiscal year, ending June 30, 2002. Ms. Nielson explained the break down of how the department will meet the budget cuts. We are expecting similar cuts for the FY03 budget year. Mr. Ostler then explained there was some good news in the '02 budget which is now half gone. The Appropriations Committee did authorize funding out of the restricted account which receives the fees for new septic systems for training by Utah State University. This amount could total approximately \$75,000 per year.

**OTHER BUSINESS**

**Water Conservation Issue:** Mr. Baker updated the Board concerning a letter from the Governor requesting each Board to encourage water conservation as a condition of providing funding (such as requiring that lawns not be watered between the hours of 10 a.m. - 6 p.m.). The Drinking Water Board did not feel it was appropriate to have a one-size-fits-all approach for all water users. It would rather see it specified according to the needs of each community. The affect of water conservation activities on this Board should be minimal. Mayor Cushing said that many communities have already incorporated conservation programs. Currently a water conservation plan is required as a prerequisite to making a loan.

Note: The Water Quality Board agreed that it would be advisable to not hold a board meeting during the month of February due to the Olympics.

**NEXT MEETING**

The next meeting of the Board is scheduled to be held on March 11, 2002 in St. George City Council Chambers 175 East 200 North, St. George, Utah @ 1:30 PM.

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K. C. Shaw, Chairman